

12/2016 JW



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**STATE OF DELAWARE**  
**BOARD OF DENTISTRY AND DENTAL HYGIENE**

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<b>PUBLIC MEETING MINUTES:</b>	<b>BOARD OF DENTISTRY AND DENTAL HYGIENE</b>
<b>MEETING DATE AND TIME:</b>	<b>Thursday, December 15, 2016 at 3:00 p.m.</b>
<b>PLACE:</b>	<b>Division of Professional Regulation 861 Silver Lake Blvd., Conference Room A Cannon Bldg., Dover, Delaware 19904</b>
<b>MINUTES FOR APPROVAL:</b>	<b>January 19, 2017</b>

**MEMBERS PRESENT**

Dr. Thomas A. Mercer, DDS, Professional Member, President  
Dr. Brian McAllister, DMD, Professional Member, Secretary  
Dr. Ryan Barnhart, DDS, Professional Member (departed at 5:58 p.m.)  
Dr. Sharon Welsh, DDS, Professional Member (departed at 6:14 p.m.)  
Dr. Bruce Matthews, DDS, Professional Member  
Carol Argo, RDH, Professional Hygiene Member  
Buffy Parker, RDH, Hygiene Advisory Member  
Mary Trinkle, RDH, Hygiene Advisory Member

**MEMBERS ABSENT**

June Ewing, Public Member  
Rozi Berberian, Public Member  
Nathaniel Gibbs, Public Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT**

Jennifer Witte, Administrative Specialist II  
Jennifer Singh, Deputy Attorney General  
Meredith Hurley, Administrative Specialist II

**OTHERS PRESENT**

Jesse McVay  
Mary Pat McVay  
Anne Farley  
Vicki Korr-Pringle  
Pam Berentsen (Maged)  
Jessi Rando

## **CALL TO ORDER**

Dr. Mercer called the meeting to order at 3:03 p.m.

## **REVIEW OF MINUTES**

A motion was made by Dr. McAllister, seconded by Ms. Argo, to approve the minutes from the October 20, 2016 meeting as presented. The motion was unanimously carried.

A motion was made by Dr. Matthews, seconded by Dr. McAllister, to approve the minutes from the October 26, 2016 Dental Exam Appeal hearing as presented. The motion was unanimously carried.

## **UNFINISHED BUSINESS**

### **Conduct Deliberations from Public Hearing Regarding Proposed Amendments to Board's Rules and Regulations**

Ms. Singh stated that on October 20, 2016 the Board held a public hearing because they propose to re-propose revisions to its regulations. Proposed amendments to section 4.0 and subsection 4.1 seek to clarify that the statutory requirement set forth at 24 Del. C. §1122(a)(1) requiring dental candidates to have "received degree in dentistry from an accredited dental college or university accredited by the Commission on Dental Accreditation of the American Dental Association" may obtain such a degree through either a pre-doctoral dental education program or a post-doctoral dental program of at least 24 months in any specialty that includes a clinical component. The proposed amendments to 12.2.28 seek to clarify that fee-splitting is a basis for discipline of a Delaware dentist or dental hygienist. There were no written comments received. There were no public comments. A motion was made by Dr. McAllister, seconded by Ms. Parker, to approve the proposed amendments to the Board's rules and regulations. The motion was unanimously carried. The Board signed the final order.

### **Discussion Regarding Potential Regulatory Revisions Pertaining to HB 69**

After a brief discussion on amendment to add telehealth to the rules and regulations, a motion was made by Ms. Carol, seconded by Ms. Parker, to approve the proposed regulations with the amendment to the numbering. The motion was unanimously carried.

### **Discussion and Vote on Proposed Regulations Regarding Inactive Status Pursuant to Law Change**

Per prior discussions on the inactive status due to the law change, Ms. Singh drafted proposed regulations for those changes. After a brief discussion and an amendment to rule 6.13.1.3, a motion was made by Ms. Argo, seconded by Ms. Trinkle, to approve the proposed regulations with the amendments discussed today. The motion was unanimously carried.

Ms. Singh stated that she will construct one draft of the proposed changes to include the amendments to the crimes substantially similar to profession, telehealth language and the inactive status which will all be combined into one public hearing.

### **Sign Final Order – Jian Ling Lemper**

Due to a clerical error this item was on the agenda. Dr. McAllister noted a grammatical error in the body of the order. Ms. Witte will make the correction and have the members of the Appeal Panel sign the order.

## **NEW BUSINESS**

### **Ratification of Dental Hygienist Applications**

A motion was made by Dr. McAllister, seconded by Ms. Parker, to approve the ratified Dental Hygienist application of Susan Landino. The motion was unanimously carried.

### **Ratification of Restricted II Permit Applications**

A motion was made by Dr. McAllister, seconded by Ms. Argo, to approve the ratified restricted II permit applications of Michelle Friedburg and Eunice Kim. The motion was unanimously carried.

### **Review and Consider Recommendations of the Chief Hearing Officer**

The Board reviewed the recommendations based off the licensees that were in attendance for the review of their recommendation.

#### **Jesse McVay, DDS - #G1-0001129**

Dr. McVay was present and was given an opportunity to make a statement in regards to the recommended disciplines.

After review and deliberation, a motion was made by Dr. Mercer, seconded by Dr. Barnhart, to accept the recommendation of the Chief Hearing Officer with the amendment of 60 days to come into compliance with the law and decreasing the fine to \$200. The motion was carried by Dr. Matthews, Ms. Argo, Ms. Parker and Ms. Trinkle. Dr. McAllister and Dr. Welsh abstained.

#### **Vicki Korr-Pringle - #G2-0002204**

Ms. Korr-Pringle was present and given an opportunity to make a statement in regards to her recommendation.

After review and deliberation, a motion was made by Ms. Argo, seconded by Dr. Mercer, to accept the recommendation of the Chief Hearing Officer with the amendment of 60 days to come into compliance with the law and decreasing the fine to \$200. The motion was carried by Dr. Barnhart, Dr. Welsh, Dr. Matthews, Ms. Parker and Ms. Trinkle. Dr. McAllister abstained.

#### **Susan Nowland – #G2-0002449**

After review and deliberation, a motion was made by Dr. Matthews, seconded by Dr. Mercer, to reject the recommendation of the Chief Hearing Officer and impose no discipline. The motion was unanimously carried.

#### **Barbara Nead - #G2-0000823**

After review and deliberation, a motion was made by Dr. Barnhart, seconded by Ms. Argo, to accept the recommendation of the Chief Hearing Officer as presented. The motion was carried by Dr. Mercer and Ms. Parker. Dr. McAllister, Dr. Matthews and Dr. Welsh abstained. Ms. Trinkle recused herself.

Holli Houdek - #G2-0002556

After review and deliberation, a motion was made by Ms. Parker, seconded by Dr. Mercer, to accept the recommendation of the Chief Hearing Officer as presented. The motion was carried by Dr. Matthews, Dr. Barnhart, Ms. Argo and Ms. Trinkle. Dr. McAllister and Dr. Welsh abstained.

Tammy Nere – #G2-0001160

After review and deliberation, a motion was made by Ms. Argo, seconded by Ms. Parker, to accept the recommendation of the Chief Hearing Officer as presented. The motion was carried by Dr. Mercer, Dr. Matthews and Dr. Barnhart. Dr. McAllister, Dr. Welsh and Ms. Trinkle abstained.

Vicki Johnson - #G2-0002357

After a brief review and deliberation, a motion was made by Dr. Matthews, seconded by Ms. Trinkle, to table the review of this recommendation until the January 19, 2017 Board meeting. The motion was carried by Dr. Mercer, Dr. Barnhart, Dr. McAllister, and Dr. Welsh. Ms. Argo and Ms. Parker were opposed.

George Cunningham – #G1-0000655

After a brief review and lack of voting quorum, a motion was made by Dr. Mercer, seconded by Ms. Argo, to table the review of this recommendation until the January 19, 2017 Board meeting. The motion was unanimously carried.

Stephanie Jones Koons - #G2-0002629

After review and deliberation, a motion was made by Ms. Argo, seconded by Ms. Parker, to accept the recommendation of the Chief Hearing Officer with the amendment of 60 days to come into compliance with the law and decreasing the fine to \$200. The motion was carried by Dr. Matthews, Dr. Mercer, Dr. Barnhart and Ms. Trinkle. Dr. McAllister and Dr. Welsh abstained.

Sandra Scott - #G2-0000779

After review and deliberation, a motion was made by Dr. Matthews, seconded by Ms. Parker, to accept the recommendation of the Chief Hearing Officer as presented. The motion was carried by Dr. Mercer, Dr. Barnhart, Ms. Argo and Ms. Trinkle. Dr. McAllister and Dr. Welsh abstained.

**CORRESPONDENCE**

For the last several months, Pam Berentsen-Maged has been attempting to be approved for a waiver from retaking the examination for reapplication of her dental hygienist license. She is seeking Board's approval to take an online Dental Hygiene course as well as a clinical program in New Jersey in lieu of the examination. The Board received the requested syllabus for the entire program with the length of the clinical portion including hours. After a brief discussion and input from Mr. Mangler regarding the conversion of CEU's to hours, a motion was made by Ms. Argo, seconded by Ms. Parker, to deny the waiver request and have Ms. Berentsen-Maged retake the Delaware examination as part of her reapplication for licensure. The motion was carried by Dr. McAllister, Dr. Bruce Matthews, and Ms. Trinkle. Dr. Mercer abstained.

### **OTHER BUSINESS BEFORE THE BOARD**

Ms. Witte addressed the Board regarding the appointments and alternate members of the Anesthesia Advisory Committee members.

Dr. Mercer confirmed the number of candidates for both the dental and dental hygienist examinations taking place on January 5-6, 2017. After a brief discussion regarding the number of chairs available at DTCC and the possibility of problems occurring with the equipment during the exams, it was decided that the two dental hygienist candidates would be moved to an afternoon session on January 6, 2017. For future exams, the cap on the number of candidates will hold fast at eighteen.

Dr. Mercer confirmed attendance of the examiners at the exam calibration that will be held on Friday, December 16, 2016 at 9:00 a.m. at Mercer Dental Associates.

### **PUBLIC COMMENT**

Dr. McVay thanked the Board members that agreed with his opinion of the law requiring mandatory criminal background checks.

### **NEXT MEETING**

The next meeting will be January 19, 2017 at 3:00 p.m. in Conference Room A.

### **ADJOURNMENT**

There being no further business, a motion was made by Dr. McAllister, seconded by Dr. Mercer, to adjourn the meeting at 6:15 p.m. The motion unanimously carried.

Respectfully submitted,

*Jennifer L. Witte*

Administrative Specialist II